

REMARKS

Applicants respectfully request reconsideration and withdrawal of the election of species requirement in the subject application in view of the following remarks.

Claims 1-20 are pending in the application.

Claim Amendments

Claim 6 has been amended to attend to a minor informality therein. No new matter has been added.

Election of Species

The Office requires election between the following species: (1) FIGS. 1-4, (2) FIGS. 5-8, and (3) FIGS. 9-11. This election requirement is respectfully traversed because searching all of the claims of the application together would not place a serious burden on the Office.

MPEP § 803 provides that “[i]f the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.” The Office can make a *prima facie* showing that a serious burden exists by establishing (A) a separate classification, (B) a separate status in the art, or (C) a different field of search. *Id.*

In this case, the Office has failed to establish that a serious burden exists. This is likely because the claims may be conveniently searched and examined together without a serious burden on the Office. In particular, the inventions of Groups 1-3 (A) are sufficiently similar that they would likely be classified in the same class and subclass, (B) have not attained separate status in the art, and (C) do not require a separate field of search. In fact, with respect to the filed

of search, Applicants submit that in order to properly search any of Groups 1-3, the Office would have to search the same classes and subclasses as each of the other groups. Also, as apparent from the discussion below of which claims read on each grouping, searching all of the groups together would only require the Office to search for the features of one additional claim (i.e., claim 14), since the other claims all read on elected Group 2. For at least the foregoing reasons, the election of species requirement is improper and should be withdrawn.

However, should the election requirement be maintained, Applicants elect with traverse to prosecute the invention of Group 2, FIGS. 5-8 and claims 1-13 and 15-20. Applicants submit that the claims read on the groupings as follows:

- Claims 1, 2, 4, 8-13, 15, 17, 19, and 20 are generic to all three groups;
- Claims 3 and 5 are generic to groups (1) and (2);
- Claims 6 and 18 are generic to groups (2) and (3);
- Claims 7 and 16 are specific to group (2); and
- Claim 14 is specific to group (3).

Accordingly, Applicants submit that claims 1-13 and 15-20 all read on Group 2.

Conclusion

Applicants respectfully request reconsideration and withdrawal of the election of species requirement.

If any issue remains unresolved that would prevent allowance of this case, **the Examiner is requested to contact the undersigned attorney to resolve the issue.**

Respectfully submitted,

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